

From: Kathleen Kaiser, Executive Director, Wasatch Int'l Adoptions  
Regarding: Proposed Hague Convention Regulations

Dear Ms. Rosenbaum:

I am the Executive Director of an international adoption agency with an office here in Ogden, Utah. We have been licensed since 1997 and have assisted hundreds of families who have adopted children from foreign countries. We have prided ourselves on the ethical and careful way our agency works with both the adoptive families and the representatives we work with in the foreign countries. We have just finished a rigorous accreditation process with the Council on Accreditation and are the only agency in the State of Utah that has gone through this accreditation.

I am writing to you now because those of us working in small agencies feel that the Federal Government is working hard to institute new regulations that will most certainly put our agency out of business. With the passage of The Hague Convention Treaty in the U.S. the federal government has now published their recommendations for the regulations adoption agencies will be required to comply with in the near future. From the time the United States signed the Hague Convention Treaty until the publication of these regulations, we were assured that the regulations would be reasonable and do-able for all agencies. We were also encouraged by many different entities to voluntarily begin the accreditation process with the Council on Accreditation and we were assured that this would give us a real head start in being able to comply with the federal regulations. Since these regulations were published, it is now clear, to most small agencies, that we will be unable to comply with these regulations and stay in business. We were promised, from the beginning, that the federal regulations would not supersede state requirements, but it appears that most state requirements are superseded in most instances.

I would like to outline some of the real problematic issues that all small and medium sized agencies are worried about:

1. Accreditation. Our agency spent approximately 2 years and close to \$100,000 to go through the voluntary accreditation process with COA. We were encouraged to do this by Joint Council on International Children's Issues and agencies were promised it would give us a leg up on complying with federal regulations. Now, we are told that those of us who went through this voluntary accreditation will have to re-accredit and the voluntary accreditation is not valid. This 2 year, very expensive process, hurt us financially and took much of our precious time, but we did it. How can the federal government now take the stance that this is not sufficient? This is incredible! There is no way that our agency can afford to go through another accreditation process. It costs thousands and thousands of dollars and it seems that it is totally unreasonable when we have already voluntarily completed one accreditation.
2. To be approved by the federal government to continue in the business of providing adoption services, all Executive Directors will have to be credentialed. I have worked in the international adoption field for 10 years, and have successfully run this agency since 1997. We are stable, we are successful, and we have never had a complaint against us. It is ludicrous to think that only credentialed people can perform these duties. Ten years of experience in the field of international adoption and successfully running this agency since 1997 should be credentials enough.

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3. The federal government will also require agencies have a substantial financial reserve set aside. There are no small or medium sized agencies that can afford to do this. We are all non-profit agencies, and although we are financially secure and follow sound financial practices, we cannot afford to set aside \$50 to \$100 thousand dollars of our operating costs. This requirement alone will put most small and medium sized agencies out of business.
4. The federal government will mandate that all agencies have supervisory responsibility over the lawyers and facilitators we work with in the foreign countries. We do not work with one facilitator and/or lawyer in a foreign country that would even consider being "supervised" by us. We and they consider ourselves as partners in this adoption process. They are regulated to a great extent by their own governments and to ask them to be an employee of our agency is insulting. All agencies realize that unless they use reputable foreign agents they are not going to stay in business. This is something that we can take care of ourselves without the interference of the federal government. And, I cannot imagine that any foreign facilitator or lawyer will accept this mandate.

It does not seem fair or reasonable that large adoption agencies will grow more wealthy because they are able to afford to comply with these regulations while other smaller and medium sized agencies will be forced out of the industry. In spite of the lip service paid over the years that the Hague Treaty was good for children and adoptive families, it is obviously a disaster. Right now Wasatch Adoptions employee 8 people. Two of these people support their families with the money they earn working here. The remaining people use the money they earn to supplement their family's income for essentials such as food, clothing, rent, etc. To have the federal government willingly and knowingly close good and reputable business because of regulations that all involved were promised would be reasonable and easy to implement is wicked. I am asking that you intervene on behalf of the good and reputable adoption agencies here in your state, and ask that these regulations be looked at again and re-done so that small businesses can stay in business. I believe that if you were to understand how upset and angry most international adoption agencies are, you would do your best to stop these regulations from being implemented. If you have not read through these regulations, I suggest that you do so. I have mentioned only a very few of the problems, but when you read through them you will realize that these regulations are unreasonable and most agencies cannot comply with them. Thank you for your time and help with this issue. I cannot believe that anyone would want business harmed by their own government, which is what the implementation of these regulations would do to all small agencies in the U.S.

Sincerely

Kathleen Kaiser, Executive Director  
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